

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARLON H. CRYER, individually
and on behalf of a class of
all other persons similarly
situated, and on behalf of the
Franklin Templeton 401(k)
Retirement Plan,

Plaintiff,

v.

FRANKLIN RESOURCES, INC., and
THE FRANKLIN TEMPLETON 401(k)
RETIREMENT PLAN INVESTMENT
COMMITTEE,

Defendant.

Case No. 16-cv-04265-CW

NELLY F. FERNANDEZ,
individually and on behalf of
a class of all other persons
similarly situated, and on
behalf of the Franklin
Templeton 401(k) Retirement
Plan,

Plaintiff,

v.

FRANKLIN RESOURCES, INC., et
al.,

Defendants.

Case No. 17-cv-06409-CW

ORDER GRANTING MOTION TO
CERTIFY CLASS

(Dkt. No. 57)

Plaintiff Nelly F. Fernandez moves to certify the putative
class. Defendants Franklin Resources, Inc. (FRI) et al. oppose
the motion. Pursuant to the parties' stipulation, the Court
vacated the hearing. Docket Nos. 62, 63.¹ Having considered the

¹ All citations to the docket refer to the Fernandez v.

papers, the Court GRANTS Plaintiff's motion.

The parties acknowledge that much of the Court's analysis in its order certifying the class in Cryer v. Franklin Resources, et al. (Cryer), applies to the present motion. Cryer, Case No. 16-4265, Docket No. 67. Indeed, as the Court noted in its order consolidating the two cases, the two cases involve nearly identical class definitions² and similar factual allegations. Docket No. 52 at 12-13. Accordingly, for the reasons stated in the Cryer certification order, the Court grants certification here as well. The requirements of Rule 23(a) are all satisfied and certification under Rule 23(b)(1) is appropriate. The Court designates Fernandez as co-plaintiff and the law firms Bailey & Glasser LLP and Izard Kindall & Raabe LLP as co-lead counsel, and Creitz & Serebin LLP as local and liaison counsel pursuant to Rule 23(g).

IT IS SO ORDERED.

Dated: July 11, 2018



CLAUDIA WILKEN
United States District Judge

Franklin Resources, et al. (Fernandez), Case No. 17-6409, docket unless otherwise specified.

² In Cryer, the Court certified the following class: "All participants in the Franklin Templeton 401(k) Retirement Plan from July 28, 2010 to the date of judgment. Excluded from the class are Defendants, Defendants' beneficiaries, and Defendants' immediate families." Cryer, Case No. 16-4265, Docket No. 67 at 16.

In Fernandez, Plaintiff seeks to certify a class of: "All participants in the Franklin Templeton 401(k) Retirement Plan from November 2, 2011 to the date of judgment. Excluded from the [] class are Defendants, Defendants' beneficiaries, and Defendants' immediate families." Docket No. 57 at 3.